

IN THE SENATE

SENATE BILL NO. 1147, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CONTRACTS FOR DESIGN-BUILD HIGHWAY PROJECTS; AMENDING SECTION 40-105, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 40-113, IDAHO CODE, TO DEFINE A TERM; AND AMENDING CHAPTER 9, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-904, IDAHO CODE, TO PROVIDE PROCEDURES FOR AWARDED DESIGN-BUILD CONTRACTS FOR CERTAIN HIGHWAY PROJECTS, TO PROVIDE FOR RULES, TO PROVIDE THAT THE DEPARTMENT SHALL NOT ENTER INTO ANY DESIGN-BUILD CONTRACTS PRIOR TO PROMULGATION OF RULES, TO PROVIDE FOR CERTAIN LIMITS RELATING TO THE USE OF DESIGN-BUILD CONTRACTS, AND TO PROVIDE THAT A PERCENTAGE OF EACH CONTRACT BE PERFORMED BY THE DESIGN-BUILD FIRM AWARDED THE CONTRACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 40-105, Idaho Code, be, and the same is hereby amended to read as follows:

40-105. DEFINITIONS – D. (1) "Department" means the Idaho transportation department.

(2) "Design-build contract" means a single contract between the department and a design-build firm to furnish the engineering and related design services, labor, material, supplies, equipment and construction services for the highway project.

(3) "Design-build firm" means a sole proprietorship, partnership, limited liability partnership, joint venture, corporation, any type of limited liability company, professional corporation or legal entity qualified to design and build highway projects.

(4) "Design-build highway project" means the procurement of both the design and construction of a project in a single contract with a design-build firm capable of providing the necessary design services and construction.

(5) "Director" means the director of the Idaho transportation department.

~~(36)~~ "Displaced person" means any individual, family, business or farm operation which moves from real property or moves personal property from real property acquired for a program or project of a state or local agency, in whole or in part, or as the result of a written order of an acquiring agency to vacate real property for a program or project of a state or local agency, and, solely for the purposes of section 40-2004, Idaho Code, as a result of a written order of an acquiring agency to vacate other real property, on which a person conducts a business or farm operation, for a program or project of any state or local agency.

(47) "Draw" means making a cash demand on the proceeds of transportation bonds or notes issued by the Idaho housing and finance association as it pertains to section 40-718, Idaho Code.

1 (~~5~~8) "Dump" means any place or area, not operated as a business, where junk is
 2 deposited, stored or kept.

3 SECTION 2. That Section 40-113, Idaho Code, be, and the same is hereby amended to
 4 read as follows:

5 40-113. DEFINITIONS – L. (1) "Lawfully maintained" means a sign maintained on
 6 private land in accordance with state law and with the consent or acquiescence of the owner, or
 7 his agent, of the property upon which the sign is located.

8 (2) "Licensed contractor" means a person licensed under the provisions of chapter 19,
 9 title 54, Idaho Code.

10 (3) "Local highway technical assistance council" means the public agency created in
 11 chapter 24, title 40, Idaho Code.

12 (~~3~~4) "Local highway jurisdiction" means a county with jurisdiction over a highway
 13 system, a city with jurisdiction over a highway system, or a highway district.

14 SECTION 3. That Chapter 9, Title 40, Idaho Code, be, and the same is hereby amended
 15 by the addition thereto of a NEW SECTION, to be known and designated as Section 40-904,
 16 Idaho Code, and to read as follows:

17 40-904. CONTRACTS – DESIGN-BUILD. (1) While design/bid/build is the preferred
 18 method of contracting, the department may select design-build firms and award contracts for
 19 design-build highway projects. Design-build highway projects shall be of appropriate size and
 20 scope as determined by the board to encourage maximum competition and participation by
 21 qualified design-build firms. Design-build contracting procedures may be used for projects
 22 only after the board determines that awarding a design-build contract will serve the public
 23 interest. The department shall work with all interested parties and the public in promulgating
 24 rules regarding the solicitation and award of design-build contracts. The department shall not
 25 enter into any design-build contracts prior to promulgation of such rules.

26 (2) No more than twenty percent (20%) of the department's annual highway construction
 27 budget for the state transportation improvement program shall be used for design-build
 28 contracts following the promulgation of rules implementing the solicitation and award of
 29 design-build contracts.

30 (3) No less than thirty percent (30%) of any design-build contract awarded shall be
 31 self-performed by the design-build firm awarded such contract.